

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M.H.Z.,

Petitioner,

- against -

WILLIAM P. JOYCE, *et al.*,

Respondents.

No. 25 Civ. 1373 (JAV)

~~[PROPOSED]~~
STIPULATION AND ORDER

WHEREAS, on February 18, 2025, petitioner M.H.Z., a noncitizen in removal proceedings, brought the instant habeas action under 28 U.S.C. § 2241 to challenge his potential re-detention by U.S. Immigration and Customs Enforcement (“ICE”);

WHEREAS, on February 21, 2025, the Court denied M.H.Z.’s motion for a TRO;

WHEREAS, on February 25, 2025, ICE re-detained M.H.Z. at his check-in;

WHEREAS, M.H.Z. is detained pursuant to 8 U.S.C. § 1226(a) and is presently confined at the Otay Mesa Detention Center in San Diego, California;

WHEREAS, M.H.Z. requested a bond redetermination hearing from the Otay Mesa Immigration Court, but at the May 9, 2025 hearing, the immigration judge declined to hold such a hearing absent a court order; and

WHEREAS, based on the specific facts and circumstances of this case, and without conceding the merits of the case, and without waiver or prejudice to the government’s ability to defend its detention authority in other similar or dissimilar cases, and in the interests of preserving party and judicial resources and expediting the resolution of this case, the Department of Justice’s Executive Office for Immigration Review (“EOIR”), the office that administers the nation’s immigration courts, has agreed to provide M.H.Z. with a bond hearing; therefore

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that:

1. This action shall be and hereby is dismissed without prejudice and without costs or attorney's fees to either party.
2. The government shall, within 7 days of the date of this stipulation and order, provide M.H.Z. with a *de novo* individualized bond hearing before an immigration judge, at which the immigration judge applies the ordinary bond hearing standards. *See, e.g., Matter of Guerra*, I. & N. Dec. 37, 40 (BIA 2006).
3. The government has agreed to take this action based on the specific facts and circumstances presented in this matter, and nothing in this stipulation shall be construed as an admission of liability or wrongdoing by the government, or a concession of any rights or arguments by the government or by the petitioner; nor shall it be construed to require the government to provide similar bond hearings to any other noncitizen in similar or dissimilar circumstances, and this agreement shall in no way be used to undermine the government's litigation position in any other case.

New York, New York
May 15, 2025

THE LEGAL AID SOCIETY
Attorney for Petitioner


/s/ Kyle Barron ¹
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New York, New York
May 15, 2025

JAY CLAYTON
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Southern District of New York
Attorney for Respondents

/s/ Brandon M. Waterman
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SO ORDERED:



HON. JEANNETTE A. VARGAS
UNITED STATES DISTRICT JUDGE
Dated: May 15, 2025

¹ Consent for signature obtained pursuant to S.D.N.Y. ECF Rule 8.5(c)